THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3107 OF 2006

24.02.2006

Between:

U.Nageswara Naidu, S/o.Muthanna

And another

… Petitioners

AND

The Principal Secretary, Government of Andhra Pradesh,

Revenue Department, Secretariat, Hyderabad

And others

… Respondents

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WRIT PETITION No.3107 OF 2006

ORDER:

The petitioners were assigned agricultural land under DKT patta in 1996. It appears that aggrieved by the grant of patta, a petition was presented by one Chandraiah Naidu and others to the Joint Collector alleging that the land assigned to the petitioners and others is a tank poramboke land and burial ground. The Joint Collector, Chittoor by proceedings dated 24.6.2001 ordered cancellation of the patta. Feeling aggrieved by the same, the petitioners preferred revision before the Chief Commissioner of Land Administration, who by order dated 30.9.2005 dismissed the revision petition on the ground that the land was not brought into cultivation, that the land was being used for communal purposes, and that the assignees were not landless and poor persons. The petitioners, therefore, filed another revision petition before the first respondent on 01.12.2005. In their revision petition, they also prayed to stay all further proceedings pursuant to the orders of the Chief Commissioner of Land Administration dated 30.9.2005.

It is now alleged by the petitioners that the first respondent neither passed orders in

the revision petition nor stayed the orders of the Joint Collector and the Commissioner of Land Administration. They, therefore, seek a direction to the respondents to dispose of the revision petition. The petitioners also pray for a direction to the respondents to prevent the petitioners from cultivating the land.

Admittedly, the petitioners that the revision petition is still pending before the government. When an aggrieved person avails the remedy provided under the statute, ordinarily, writ petition would not lie. The apprehension of the petitioners that there is likelihood of eviction is also not proper because even according to the petitioners, the Commissioner passed orders on 30.9.2005 almost five months ago. Still the petitioners are continuing in possession. Be that as it is, in the opinion of this Court it would be proper for the government to dispose of the revision petition itself within a period of three weeks from the date of receipt of a copy of this order, after giving notice to the petitioners.

The writ petition with the above observations and directions is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

February 24, 2006

NOTE:

Issue order copy by

03.3.2006.

(By order)

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